

These minutes have not been approved by the board.

**MINUTES OF THE MEETING
OF THE
BOARD OF PHYSICAL THERAPY
November 27, 2006**

CALL TO ORDER

Dr. Wayne Stuberger, Chairperson, called the meeting of the Board of Physical Therapy to order at 9:04 a.m., November 27, 2006 in Conference Room 6-Y, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting and Agenda ten (10) days prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services Regulation and Licensure at least twenty-four (24) hours prior to the meeting.

Roll Call

The following board members and State of Nebraska staff members were present:

Wayne Stuberger, Chairperson, Professional Member
Kent Dunovan, Professional Member
Susan Jeffrey, Secretary, Professional Member
Raymond Frew, Public Member

Diane Hansmeyer, Section Administrator
Patty Pierson, Credentialing Coordinator
Julie Agena, Assistant Attorney General
Steve O'Brien, Investigator

Darrell Wills, DC, Board of Health member
Mike Bossard, Lincoln Public Schools
Loran Schmit

Adoption of the Agenda

Jeffrey moved, seconded by Stuberger to adopt the agenda. Voting aye: Stuberger, Jeffrey, Frew, and Dunovan. Voting nay: none. Motion carried.

Approval of Minutes

Jeffrey moved, seconded by Stuberger to approve the minutes of the October 30, 2006 meeting. Voting aye: Frew, Dunovan, Stuberger, and Jeffrey. Voting nay: none. Motion carried.

INVESTIGATIONAL REPORTS (Closed Session)

Closed Session

Stuberger moved, seconded by Jeffrey to go into closed session at 9:08 a.m. for the purpose of hearing investigational reports and for protection of the reputation of individuals. Voting aye: Frew, Dunovan, Stuberger, and Jeffrey. Voting nay: none. Motion carried.

Out of Closed Session

Dunovan moved, seconded by Jeffrey to come out of closed session at 9:15 a.m. Voting aye: Stuberg, Jeffrey, Frew, and Dunovan. Voting nay: none. Motion carried.

O'Brien left the meeting at 9:15 a.m.

Dr. Daryl Wills, DC announced that he was at the Board of Physical Therapy meeting representing the Board of Health. The Board of Health will be inviting the board chairs of each Professional Board to give a report to the Board of Health regarding their profession. Concerns regarding the investigation process are being examined. Wills said that some boards believe they are not seeing cases that have been prescreened prior to reaching the board level. There also has been a concern mentioned regarding assistant attorney generals electing not to pursue board recommendations. Finally, concerns have been mentioned regarding the chief medical officer overturning board recommendations that have been supported by the Attorney General's office. The purpose of addressing these concerns is to improve the current system while continuing to ensure public safety.

Bossard entered the meeting at 9:30 a.m.

REGULATION REVIEW

Karen Brown is a physical therapist who expressed in an email that she believed 30 days was too long of a time-span for face-to-face visits between the physical therapist and patient as the patient was receiving physical therapy services from a physical therapy assistant. The Board stated that 30 days was the maximum limit that was put in place due to the various settings at which physical therapy is performed. However, the actual face-to-face contact would be dependent upon the acuity and complexity of the patient's condition in addition to the setting in which the therapy is being performed. If a situation did occur where a complaint came in against a physical therapist, the board would look at each case independently based upon the dynamics of the case. Stuberg volunteered to respond to Ms. Brown's concern.

Kris Lausterer reviewed the proposed draft physical therapy regulations and sent an email to the board in which he asked if unlicensed personnel could assist with patient-related tasks if a physical therapist was located in the clinic. The State of Nebraska proposed draft of rules and regulations allow unlicensed personnel who have been trained under the direction of a physical therapist to perform treatment-related and non-treatment-related tasks under the direct supervision of a physical therapist or physical therapist assistant. Direct Supervision is defined in the proposed draft regulations as follows: supervision in which the supervising practitioner is physically present and immediately available and does not include supervision provided by means of telecommunication. Therefore, the supervising practitioner must be physically present and immediately available. Jeffery offered to respond to Mr. Lausterer's question.

Mike Bossard, Director of Special Education at Lincoln Public Schools (LPS) presented the board with a legal opinion completed by Lincoln Public Schools' legal counsel, James

Gessford (Attachment A). The legal opinion also gave Lincoln Public Schools' amendment recommendations to the November 9, 2006 Physical Therapy Draft Regulations (Attachment B). LPS was concerned about the draft regulations regarding use of unlicensed personnel in relation to its employees performing treatment-related and non-treatment-related physical therapy tasks. The board members provided clarification to Mr. Bossard that the board does not consider LPS workers to be physical therapy aides, so the issue of supervision is moot. The board considers those LPS workers who work with students to be personal assistants, who are doing independent restorative tasks, which are routine activities. Therefore, the proposed draft physical therapy regulations do not apply to that group.

Captain Scott Jones, USAF, DPT asked whether the successful completion of the Certified Strength and Conditioning Specialist (CSCS) Certification counted as acceptable continuing education in the State of Nebraska. Stuberger conducted research regarding the CSCS certification, which he presented to the board. The board was unable to determine how many hours should be allowed for the CSCS certification. Staff will request that Captain Jones submit information regarding what he was required to do to earn the CSCS certification and what he has to do to maintain the certification.

Bossard, Schmit, and Wills left the meeting at 11:30 a.m.

NEW BUSINESS

Board Member Signatures

Vice chair, Susan Jeffrey elected not to seek reappointment to the Board of Physical Therapy. Until her replacement begins her term, Health Licensing Specialist, Irene Eckman requested that the board members submit new signatures by position to reflect this change. The signatures are scanned into the system for inclusion on Physical Therapy licenses and Physical Therapy Assistant certificates.

Comments from Test-taking Students

Hansmeyer presented to the board for its review a comment sheet from test-taking students.

LICENSEE ASSISTANCE PROGRAM (LAP) Report

Hansmeyer presented the LAP Fourth Quarter Annual Report to the board (Attachment C). She mentioned that there was an error on the dates of the pie charts within the report. The correct dates should be 2005-2006. Hansmeyer said she had copies of the charts with the corrected dates for any board member wanting to present or distribute this report. Hansmeyer drew the board's attention to the Informational Article included in the report that is intended and appropriate for inclusion in associations' newsletters. Stuberger said that he would have the article reprinted in the Nebraska Physical Therapy Association's next newsletter.

OLD BUSINESS

There was no old business.

MISCELLANEOUS

The board will schedule its next meeting to be on the same day as the public hearing for the proposed draft physical therapy regulations. It is currently uncertain as to whether the hearing will be scheduled on February 1, 2007, March 1, 2007, or March 15, 2007. Board members were asked to reserve those three dates for the next meeting until the date of the hearing was determined.

ADJOURNMENT

Dr. Wayne Stuberger adjourned the meeting of the Board of Physical Therapy at 12:23 p.m.

Respectfully submitted by: _____
Raymond Frew, Secretary

Prepared by: Patty Pierson, Credentialing Coordinator